

Municipal Clerk  
Atlanta, Georgia

**AN ORDINANCE  
BY THE COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE**

UEZ-04-09

04-0 -0649

**AN ORDINANCE TO CREATE THE "HIGHBURY COURT APARTMENTS  
HOUSING ENTERPRISE ZONE", TO BE LOCATED ON TWO EXISTING  
PARCELS WITH THE SAME ADDRESS AT 50 MOUNT ZION ROAD, S.W.;  
AND FOR OTHER PURPOSES.**

**NPU "Z"**

**COUNCIL DISTRICT 12**

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**WHEREAS** an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS** enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS** the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

**WHEREAS** the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

**WHEREAS** certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS** State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS** the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS** it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS** the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Highbury Court Apartments Housing Enterprise Zone".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Highbury Court Apartments Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Highbury Court Apartments Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

**Section 2:** The "Highbury Court Apartments Housing Enterprise Zone" is hereby created for the subject property on two existing parcels with the same address at 50 Mount Zion Road, SW, where the "Highbury Court Apartments" are currently located. The property contains 11.158 acres of land and includes Tax Parcel Code Numbers (PCNs) 14-0067-0005-083 & 14-0067-0005-085. The effective date of all exemptions established therein shall be January 1, 2005. "The Highbury Court Apartments Housing Enterprise Zone" shall be abolished on December 31, 2014. The "Highbury Court Apartments Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Highbury Court Apartments Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3.** The "Highbury Court Apartments Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of the rehabilitation of 128 existing apartment units within 16 buildings. The project shall be developed in one phase and shall contain 137,824 total square feet of building space. In accordance with the requirements for housing enterprise zones, all 128 (100 percent) of the total 128 housing units would be designated as being "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

**Section 4.** The development of the "Highbury Court Apartments Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below. The "Highbury Court Apartments Housing Enterprise Zone" shall consist of 128 total units within 16 buildings, of which 16 units shall be one-bedroom units (12.5%), 96 units shall be two-bedroom units (75%), and 16 units shall be three-bedroom units (12.5%). The "Highbury Court Apartments Housing Enterprise Zone" shall designate all 128 of the existing 128 total units (100%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 128 total units (26 units). Compared to the minimum housing affordability requirement of 26 total units, to which the ratios of 12.5 percent for one-bedroom units (3 units), 75 percent for two-bedroom units (20 units), and 12.5 percent for three-bedroom units (3 units) are applied, the "Highbury Court Apartments Housing Enterprise Zone" shall designate 16 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units as being "affordable", which exceed the housing affordability requirements by bedroom composition.

City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.

City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.

City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, Internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

**Section 5:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Highbury Court Apartments Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

**Section 6:** That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

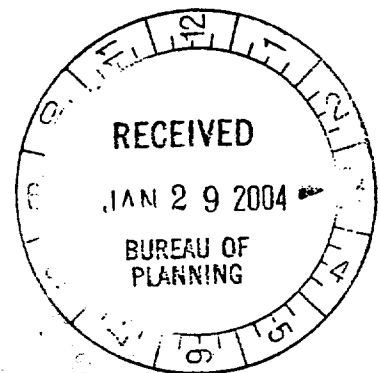
UEZ-04-09

**EXHIBIT "A"**  
(Property Description)

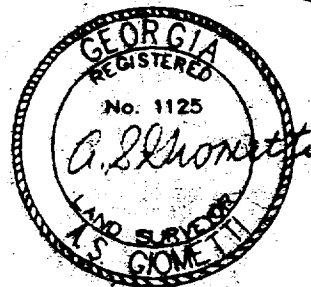
**ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOT 67 OF THE 14th LAND DISTRICT OF FULTON COUNTY, GEORGIA (CITY OF ATLANTA) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at an iron pin found on the southern right-of-way line of Mount Zion Road (50 foot right-of-way width), said point being located 165.00 feet east of the intersection of the southern right-of-way line of Mount Zion Road and the eastern right-of-way line of Highbury Trail (50 foot right-of-way width); thence from said POINT OF BEGINNING following the southern right-of-way line of Mount Zion Road (also subject property line) South 88 degrees 52 minutes 30 seconds East a distance of 460.27 feet to a point, thence continuing along said right of way and property line South 87 degrees 22 minutes 00 seconds East a distance of 460.27 feet to a point, thence continuing along said right of way and property line South 87 degrees 22 minutes 00 seconds East a distance of 98.26 feet to a point; thence continuing along said right-of-way and property line South 84 degrees 41 minutes 15 seconds East a distance of 56.67 feet to an iron pin found; thence leaving said right-of-way line South 01 degrees 02 minutes 00 seconds West a distance of 811.71 feet to a point in the centerline of a small branch; thence North 87 degrees 00 minutes 15 seconds West generally following the centerline of said branch a distance of 191.71 feet to a point; thence North 71 degrees 49 minutes 15 seconds West and leaving said branch a distance of 130.00 feet to an iron pin found; thence North 01 degrees 33 minutes 30 seconds East a distance of 45.00 feet to a point; thence North 89 degrees 16 minutes 30 seconds West along the centerline of said branch a distance of 324.60 feet to a point; thence leaving said branch North 01 degrees 02 minutes 00 seconds East a distance of 531.43 feet to an iron pin found; thence South 88 degrees 38 minutes 00 seconds East a distance of 25.00 feet to an iron pin found; thence North 01 degrees 02 minutes 00 seconds East a distance of 200.00 feet to an iron pin found on the southern right-of-way line of Mount Zion Road and the POINT OF BEGINNING.

Said parcel containing 486,049 square feet or 11.158 acres.

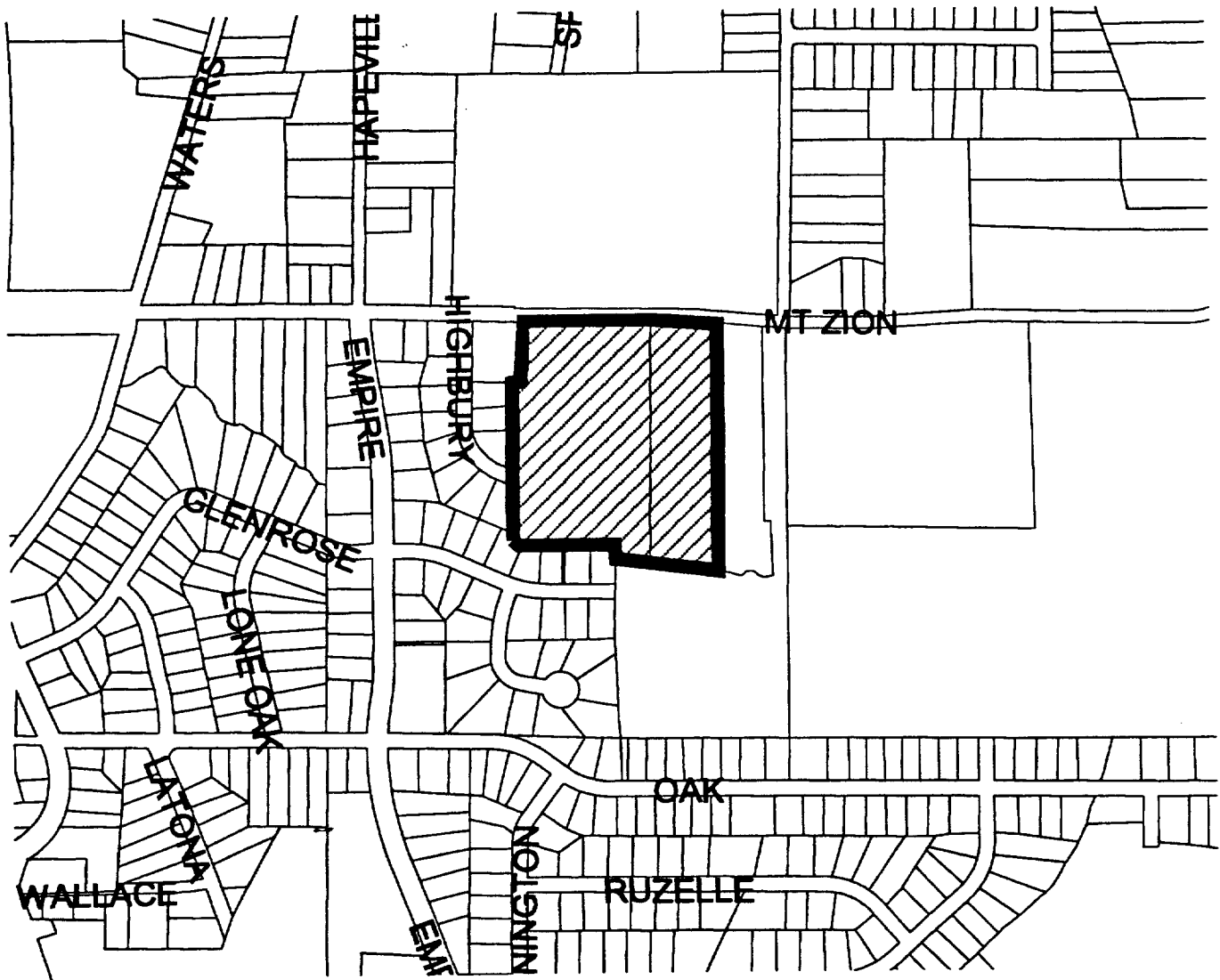


**A.S. Giometti & Associates, Inc.**  
**Civil Engineers ~ Land Surveyors**  
67 PEACHTREE PARK DRIVE, N.E.  
ATLANTA, GEORGIA 30309  
(404) 355-8669




# **HIGHBURY COURT APARTMENTS HOUSING ENTERPRISE ZONE**

TO BE LOCATED ON TWO EXISTING PARCELS  
WITH THE SAME ADDRESS AT 50 MOUNT ZION ROAD, SW., DISTRICT 14 , LAND LOT 67  
COUNCIL DISTRICT 12, NPU - "Z"



**UEZ - 04 - 09**



 Npu-z-parcels  
Npu-z-streets

**PROJECT CHECKLIST FOR UEZ-04-09:**  
**Proposed "Highbury Court Apartments Housing Enterprise Zone"**  
**To be Located on Two Existing Parcels with the Same Address**  
**At 50 Mount Zion Road, SW**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
<b>1. Eligibility Criteria:</b>	<b>Must Meet 3 of the 4 Criteria:</b>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 31.6% for Census Block Group 2 of Census Tract 73 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment:  (1) Census Tract having at least 10% higher than the State Average;  OR  (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment:  (1) Census Tract 73 has an unemployment rate of 8.4%, which is more than 10% higher than the State Average of 5.1%.  (2)	√
c. General Distress	c. General Distress:  (1) Police Beat crime rate of $\geq 20\%$ compared to the Police Zone;  OR  (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress:  (1) Police beat 310 has a crime rate of 18% of the crime rate of police zone 3, thus it does not meet the high crime requirement.  (2)	
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "Z" had 2% of development activity within the City for residential development, which meets the requirement of $\leq 20\%$ .	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 11.158 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Low-Density Residential. Allowed F.A.R.: 0.348.	Proposed FAR: 0.303.	√
4. Zoning Compliance	Zoned "RG-2."	Proposed uses are allowed within "RG-2." The development would have a residential FAR of 0.303.	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Applicant certifies that construction of at least 30% of the total units (38) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that relocations of existing residents who occupy the site would be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority. A tenant relocation plan has been submitted.	√
8. Affordability	<p><u>City Code Section 146-52(2)a.1.</u> Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.</p> <p><u>City Code Section 146-52(2)a.2.</u> Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United</p>	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 128 total units, of which all 128 units (100%) would be designated as being "affordable." The project would include 16 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 16 one-bedroom units, 96 two-bedroom units, and 16 three-bedroom units, which exceed the requirements.	√

	<p>States Department of Housing and Urban Development.</p> <p><u>City Code Section 146-52(2)a.3.</u></p> <p>Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.</p>		
CRITERION	REQUIRED	PROPOSED	COMPLIANCE
10. Job Creation	First Source Jobs Policy	Would not create any new, fulltime jobs.	Not applicable.
11. Financial Feasibility	<p><u>Chief Financial Officer's Statement of Fiscal Impact:</u></p> <p>a. Negative cash flow; OR</p> <p>b. Debt coverage ratio &lt;1.20; OR</p> <p>c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.</p>	To be determined by the Bureau of Financial Analysis.	To be determined.





## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 Trinity Avenue, S.W. SUITE 1450 - ATLANTA, GEORGIA 30335-0308  
404-330-6070 - FAX: 404-658-7638  
[www.atlantaga.gov/citydir/DPCD/DPCD%20Web/index.htm](http://www.atlantaga.gov/citydir/DPCD/DPCD%20Web/index.htm)

SHIRLEY FRANKLIN  
MAYOR

CHARLES C. GRAVES, III  
Commissioner

March 31, 2004

Mr. Colin Edelstein  
Capitol Development  
241 Peachtree Street  
Suite 300  
Atlanta, Georgia 30303

### RE: Processing of Your Submitted Urban Enterprise Zone Application

Dear Mr. Edelstein:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2004.

**Receipt of the UEZ Application.** We received your Urban Enterprise Zone (UEZ) application for property that is located on two existing parcels with the same address at 50 Mount Zion Road, SW. This includes the Tax Parcel Code Numbers (PCNs) 14-0067-005-083 & 14-0067-005-085. You have proposed the creation of the "Highbury Court Apartments Housing Enterprise Zone" for the subject property, and have requested that the first year of the enterprise zone be 2005. Your application was assigned the case number of UEZ-04-09. We are reviewing it for completeness and accuracy, and will be contacting you soon (as well as throughout the application review process) by telephone or e-mail concerning any additional information or clarification that we need.

**Required NPU Meeting.** As part of the UEZ designation process, *you are required to attend a Neighborhood Planning Unit (NPU) meeting.* Your property is located in NPU "Z", which holds monthly meetings at the Southeast Recreation Center at 365 Cleveland Avenue, SW. *Your UEZ case will be scheduled to be heard by NPU "Z" on April 26, 2004. Your attendance is required.* The NPU "Z" meeting will begin at 7:00 p.m. Please attend this meeting (or send a

Mr. Colin Edelstein  
 Capitol Development  
 March 31, 2004

designee) and be prepared to make a presentation and answer any questions concerning your application. The NPU "Z" members will vote on your application, with such vote serving as a recommendation to City Council. Please note that it is possible that NPU "Z" members may request that you also attend one or more neighborhood association meetings before or after the NPU "Z" meeting. Please contact the NPU "Z" Chairperson, Ms. Rosel Fann, immediately at (404)622-4066 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "Z", thereby delaying the approval of your UEZ application.

**Required Public Hearing & Optional Committee Meeting.** *The second required meeting is the UEZ public hearing on Monday, May 10, 2004, which is to be conducted by the City's Community Development/Human Resources (CD/HR) Committee. Your attendance is required.* The public hearing will be held in the City Hall Council Chambers on the Second Floor of City Hall at 55 Trinity Avenue, beginning at 6:00 p.m. Please be prepared to make a presentation about your UEZ application and to answer any questions at the public hearing. We encourage you to also attend the CD/HR Committee meeting to be held the following day, on Tuesday, May 11, 2004, where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall at 55 Trinity Avenue, beginning at 1:00 p.m.

**Creation of the Urban Enterprise Zone.** The full City Council will vote on your case after the UEZ public hearing has been held. This is scheduled to occur on Monday, May 17, 2004, unless a required rezoning or other matter delays the review of your application. If the City Council votes to approve your UEZ, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted by City Council and approved by the Mayor. However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed before then.

**UEZ Tax Abatements.** If your urban enterprise zone is approved in 2004, tax abatements on your property would become effective on January 1, 2005, as you requested, such that 2005 would be the first year in which the property could receive tax abatements on new or renovated improvements. The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31 of the first year for which you have requested the enterprise zone to begin. Tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10. Some restrictions apply.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information

Mr. Colin Edelstein  
Capitol Development  
March 31, 2004

concerning the NPU meeting, you may contact the NPU/Citizen Participation Coordinator,  
Wendy Murray, at (404) 330-6899.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda M. Logan".

Linda M. Logan, AICP  
Principal Planner  
Bureau of Planning

/lml/

xc: Charles C. Graves, Commissioner  
Beverley Dockeray-Ojo, Director  
Sara Wade Hicks, Assistant Director